

REMARKS

Claims 21 to 47 have been drafted to overcome the objections according to 35 USC § 112.

New claims 21, 22, 34 and 35 correspond to former claim 9.

More specifically,

- new claim 21 corresponds to a first embodiment of former claim 9 in which there is only one soluble diluent agent with binding properties,
- new claim 34 corresponds to a second embodiment of former claim 9 in which there is at least two soluble diluent agents with binding properties,
- in new claims 22 and 35, which depend respectively on new claims 21 and 34, the optional excipients have been added.

New claims 24 to 33 depend on new claim 21 and correspond respectively to former claims 10, 12 to 20.

New claims 37 to 47 depend on new claim 34 and correspond respectively to former claims 10 to 20.

Claims 9 to 20 are rejected under 35 USC 103(a) as being obvious over Ghanta et al (US 5814332) by itself or in view of Gegerly et al (US 5064656).

Applicants respectfully disagree.

The Examiner indicates that Ghanta et al. describes a composition containing ibuprofen, granular mannitol,

crospovidone, colloidal silica, magnesium stearate and aspartame.

However, the Examiner does not indicate that in Ghanta et al. :
-it is compulsory that ibuprofen be encapsulated.
-the tablets are chewable.

According to the invention, the active principle is not encapsulated but coated and the tablets are not chewable since they disintegrate in contact with the saliva .

Ghanta et al. teaches away from the invention.

Gegerly et al. describes a compressed tablet which can dissolve in less than 40 seconds.

In said tablet, the active principle is not coated.

Furthermore, the dissolution time which is measured in this document is a dissolution time in water as it results from the whole description and more specifically from example 40.

As indicated in column 11 lines 58-65, the tablet can be taken directly or after dissolution or dispersion in water. However, when "the tablet is taken directly, without water, the tablet disintegrating without effervescence only after it has been swallowed and enters the stomach."

According to the invention, the tablet disintegrates in contact with the saliva in the mouth in less than 40 seconds.

The tablets according to the invention are not intended for the same use and method of administration as those of Gergely et al.

Nothing incites the person skilled in the art to combine Ghanta et al. with Gegerly et al.

Even if these documents were combined they do not suggest the tablet according to the invention since, in particular, they do not use coated active principle and do not teach a disintegration in contact with the saliva in the mouth in less than 40 seconds.

Claims 21 and 34 are thus inventive over Ghanta et al. in view of Gergely et al.

Since claims 22 to 33 depend on claim 21 and since claims 35 to 47 depend on claim 34, they are also inventive.

Claims 9 to 20 are rejected under 35 USC 103(a) as being obvious over Geyer et al (US 5320848) in view of Meyers et al (US 5567439).

Applicants respectfully disagree.

The Examiner considers that it would have been obvious to the person skilled in the art to use silicon in the tablet according to Geyer et al., as used in Meyers et al., to obtain the tablet according to the invention.

However, the Examiner fails to indicate that in Geyer et al. the active principle is included in a uncured shearform matrix, then molded or compacted with excipients and cured.

Even if the person skilled in the art would add silicon to the tablet described in Geyer et al., he would never obtain the tablet according to the invention.

In fact, in the tablet according to the invention, the active principle is not included in a matrix but is coated and the specific excipients are present in determined proportions, which are not described nor suggested in Geyer et al. or Meyers et al.

Claims 21 and 34 are thus inventive over Geyer et al. in view of Meyers et al.

Since claims 22 to 33 depend on claim 21 and since claims 35 to 47 depend on claim 34, they are also inventive.

It is submitted that the application is now in proper form for allowance and favorable consideration is respectfully submitted.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the foregoing AMENDMENT re Application Serial No. 09/830,946, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner of Patents, Washington, DC 20231, this 11th day of March, 2002.



Robert S. Silver